



GAU 2605

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K. Ward
23/98
H/07/Key
JPA

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
New Attorney Docket No. 10841US05

In the Application of:
Iseberg et al.

Serial No.: 08/770,647

Filed: December 15, 1997

For: HIGH FIDELITY INSERT
EARPHONES AND METHOD FOR
MAKING SAME

Examiner: Le, H.

Group Art Unit: 2605

CERTIFICATE OF
EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service in an envelope addressed to: Asst. Commissioner for Patents, Box CPA, Washington, D.C. 20231, on December 15, 1997.

By: Christopher C. Winslade
Christopher C. Winslade
Reg. No. 36,308

**REQUEST FOR FILING CONTINUED PROSECUTION
APPLICATION UNDER 37 C.F.R. 1.53(d)**

Assistant Commissioner of
Patents
BOX CPA
Washington, D.C. 20231

Dear Sir:

12/22/1997 00000116 08770647
01 FC:202 41.00 CH
02 FC:201 395.00 CH
Request for filing a continued prosecution application under 37 C.F.R. 1.53(d)
of the prior United States non-provisional patent application identified above. The above-identified prior application meets all of the following conditions:

- (1) the issue fee has not yet been paid;
- (2) it has not been abandoned;
- (3) proceedings in it have not been terminated, and
- (4) it was filed on or after June 8, 1995.

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01/14/1998 00000116 41.00 CH
01 FC:202

The above-identified prior application is hereby expressly abandoned as of the filing date of this new application. Please use the Serial Number and all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

Applicant is filing separately a Preliminary Amendment which adds claims 25-34.

Claims 22-24 from the prior application are still pending.

Applicant is also filing this date under separate cover a Request For Two-Month Extension of Time to file an appeal brief in the prior application.

The inventor(s) named in this continued prosecution application are as follows:

Steven J. Iseberg
Donald L. Wilson

The inventor(s) named immediately above are exactly the same inventor(s) presently of record in the above-identified prior application, so no action respecting inventorship is needed.

The filing fee due for this application is affected because:

The small entity fee schedule applies. A verified statement that this is a filing by a small entity was filed in application Serial No. 07/880,244 on July 25, 1994. This status is still proper, and its benefit under 37 CFR 1.28(a) is hereby claimed.

New Claims 25-34 submitted in a preliminary amendment being filed separately should be added before calculating the extra claims fee.

The filing fees are calculated as follows for a small entity:

Small Entity Fees

| Claims presented | Extra claims | Rate per extra claim | |
|-----------------------|-----------------|-------------------------|-----------------------|
| Total claims 10 | -20 | = 0 | x \$11 \$00.00 |
| Indep. claims 5 | - 3 | = 2 | x \$41 \$ 82.00 |
| Basic fee | | | 395.00 |
| Total application fee | | | \$477.00 |

The following arrangements are being made to pay the government fees due.

The Commissioner is hereby authorized to charge the filing and extra claim fees which are presently required to Deposit Account No. 13-0017.

The ownership of the application is as follows:

The prior application is assigned to Etymotic Research, Inc. and the original assignment has been recorded in the Patent and Trademark Office at Reel 7500, Frame 0164.

The undersigned attorney is authorized to represent the applicants and receive correspondence because:

The power of attorney filed in the prior application currently in force authorizes the following attorneys, including the undersigned, to act on behalf of the inventor(s):

| Name | Reg. No. |
|---------------------|-----------------|
| George P. McAndrews | Reg. No. 22,760 |
| John J. Held | Reg. No. 21,061 |
| Timothy J. Malloy | Reg. No. 25,600 |
| William M. Wesley | Reg. No. 26,521 |
| Lawrence M. Jarvis | Reg. No. 27,341 |
| Gregory J. Vogler | Reg. No. 31,313 |
| Jean Dudek Kuelper | Reg. No. 30,171 |
| Herbert D. Hart III | Reg. No. 30,063 |
| Robert W. Fieseler | Reg. No. 31,826 |
| D. David Hill | Reg. No. 35,543 |
| Thomas J. Wimbiscus | Reg. No. 36,059 |

| | |
|-------------------------|-----------------|
| Steven J. Hampton | Reg. No. 33,707 |
| Priscilla F. Gallagher | Reg. No. 32,223 |
| Stephen F. Sherry | Reg. No. 30,590 |
| Patrick J. Arnold Jr. | Reg. No. 37,769 |
| Robert B. Polit | Reg. No. 33,993 |
| George Wheeler | Reg. No. 28,766 |
| Janet M. McNicholas | Reg. No. 32,918 |
| Ronald E. Larson | Reg. No. 24,478 |
| Christopher C. Winslade | Reg. No. 36,308 |
| Edward A. Mas II | Reg. No. 37,179 |
| Gregory C. Schodde | Reg. No. 36,668 |
| Edward W. Remus | Reg. No. 25,703 |
| Donald J. Pochopien | Reg. No. 32,167 |
| Phyllis Turner Brim | Reg. No. 39,864 |
| Sharon A. Hwang | Reg. No. 39,717 |
| David D. Headrick | Reg. No. 40,642 |
| Dean D. Small | Reg. No. 34,730 |
| Kirk A. Vander Leest | Reg. No. 34,036 |
| Robert P. Renke | Reg. No. 40,783 |
| Anthony E. Dowell | Reg. No. 39,661 |
| Peter J. McAndrews | Reg. No. 38,547 |
| Paul L. Rodriguez | Reg. No. 40,788 |
| Jeffrey D. Hsi | Reg. No. 40,024 |

A copy of the power of attorney previously filed appears in the original papers in the prior application.

Address all future written communications and telephone calls to

Christopher C. Winslade
McAndrews, Held & Malloy, Ltd.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
(312) 707-8889

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information is available to any one of the applications in the file wrapper of a 37 CFR 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark office may provide similar information or access to all the other applications in the same file wrapper.

MCANDREWS, HELD & MALLOY, LTD.


Christopher C. Winslade
Reg. No. 36,308

Dated: December 15, 1997